

REMARKS

This is a full and timely response to the outstanding final Office Action mailed July 7, 2008 (Paper No. 20080630). Upon entry of this response, claims 121-144 are pending in the application. In this response, claim 121 has been amended. Applicant respectfully requests that the amendments being filed herewith be entered and that there be reconsideration of all pending claims.

The amendment to claim 121 is submitted to address a *new* issue of claim interpretation (see Office Action, p. 2, "Response to Arguments") which was not previously presented in previous Office Actions. Applicant believes that the amendment submitted herein addresses this issue and would not require a new search. Accordingly, entry of the amendment submitted herein is requested under 37 C.F.R. §1.116.

1. Rejection of Claims 121-144 under 35 U.S.C. §103

Claims 121-144 are rejected under §103(a) as allegedly obvious over *LaJoie et al.* (U.S. 5,850,218) in view of *Rowe et al.* U.S. (5,812,123). Applicants respectfully submit that the rejection is overcome by claim amendments made herein. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest (either implicitly or explicitly) all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Independent Claim 121

Claim 121 is amended to recite "wherein the processor is further configured, **responsive to receiving a user request to set focus** subsequent to the activation instruction, to center the sequential channels on the channel corresponding to a current program to which the STT is

tuned, and to highlight the one of the television program channels corresponding to the current program” (emphasis added). Applicant respectfully submits that the proposed combination of *LaJoie et al.* and *Rowe et al.* does not disclose, teach, or suggest at least this feature.

The Office Action alleges that the IPG mode switch in *LaJoie et al.* corresponds to a “focus instruction”, as follows:

LaJoie et al. further discloses that, when the user switches modes in the IPG, the default program highlighted and centered upon entering the new mode corresponds to the program being viewed in program viewing window 340 (col. 26, l. 64-67; col. 27, l. 1-7; col. 28, l. 5-15; & Figs. 16, 19, 20, 22). As such, the examiner interprets the switching of modes to be “a focus instruction, subsequent to the activation instruction, to center the sequential channels to a current program to which the STT is tuned, and to highlight the one of the television program channels corresponding to the current program,” as currently claimed.

(Office Action, p. 3.)

Applicant assumes, for the sake of argument, that the above characterization of *LaJoie et al.* is accurate, and that switching IPG modes results in the program presented in the program viewing window 340 being highlighted and centered in the IPG. Even so, claim 121 recites more than just a result of highlighting and centering. According to amended claim 121, the highlighting and centering behavior occurs in response to a specific user request “to set focus”. Applicant respectfully submits that the highlighting and centering behavior in *LaJoie et al.* does not occur in response to a “user request to set focus” but instead to a user request to change IPG modes. Thus, *LaJoie et al.* does not teach the claimed feature. *Rowe et al.* does not cure this deficiency. Therefore, claim 121 is not obvious under the proposed combination of *LaJoie et al.* in view of *Rowe et al.*, and the rejection should be withdrawn.

b. Independent Claim 129

Claim 129 recites “responsive to receiving a focus instruction subsequent to the activation instruction, centering the sequential channels on the channel corresponding to a current program to which the STT is tuned and highlighting the one of the television program

channels corresponding to the current program". Applicant respectfully submits that the proposed combination of *LaJoie et al.* and *Rowe et al.* does not disclose, teach, or suggest at least this feature.

The Office Action alleges that the IPG mode switch in *LaJoie et al.* corresponds to a "focus instruction", as follows:

LaJoie et al. further discloses that, when the user switches modes in the IPG, the default program highlighted and centered upon entering the new mode corresponds to the program being viewed in program viewing window 340 (col. 26, l. 64-67; col. 27, l. 1-7; col. 28, l. 5-15; & Figs. 16, 19, 20, 22). As such, the examiner interprets the switching of modes to be "a focus instruction, subsequent to the activation instruction, to center the sequential channels to a current program to which the STT is tuned, and to highlight the one of the television program channels corresponding to the current program," as currently claimed.

(Office Action, p. 3.)

Applicant assumes, for the sake of argument, that the above characterization of *LaJoie et al.* is accurate, and that switching IPG modes results in the program presented in the program viewing window 340 being highlighted and centered in the IPG. Even so, claim 129 recites more than just a result of highlighting and centering. According to claim 129, the highlighting and centering behavior occurs in response to a "focus instruction". Applicant respectfully submits that the highlighting and centering behavior in *LaJoie et al.* does not occur in response to a "focus instruction" but instead in response to an instruction to change IPG modes. Thus, *LaJoie et al.* does not teach the claimed feature. *Rowe et al.* does not cure this deficiency. Therefore, claim 129 is not obvious under the proposed combination of *LaJoie et al.* in view of *Rowe et al.*, and the rejection should be withdrawn.

c. Independent Claim 137

Claim 137 recites "logic configured to center the sequential channels on the channel corresponding to a current program to which the STT is tuned and to highlight the one of the television program channels that corresponds to the current program, wherein the logic

configured to center and highlight is responsive to receiving a focus instruction, subsequent to the activation instruction". Applicant respectfully submits that the proposed combination of *LaJoie et al.* and *Rowe et al.* does not disclose, teach, or suggest at least this feature.

The Office Action alleges that the IPG mode switch in *LaJoie et al.* corresponds to a "focus instruction", as follows:

LaJoie et al. further discloses that, when the user switches modes in the IPG, the default program highlighted and centered upon entering the new mode corresponds to the program being viewed in program viewing window 340 (col. 26, l. 64-67; col. 27, l. 1-7; col. 28, l. 5-15; & Figs. 16, 19, 20, 22). As such, the examiner interprets the switching of modes to be "a focus instruction, subsequent to the activation instruction, to center the sequential channels to a current program to which the STT is tuned, and to highlight the one of the television program channels corresponding to the current program," as currently claimed.

(Office Action, p. 3.)

Applicant assumes, for the sake of argument, that the above characterization of *LaJoie et al.* is accurate, and that switching IPG modes results in the program presetned in the program viewing window 340 being highlighted and centered in the IPG. Even so, claim 137 recites more than just a result of highlighting and centering. According to claim 137, the highlighting and centering behavior occurs in response to a "focus instruction". Applicant respectfully submits that the highlighting and centering behavior in *LaJoie et al.* does not occur in response to a "focus instruction" but instead in response to an instruction to change IPG modes. Thus, *LaJoie et al.* does not teach the claimed feature. *Rowe et al.* does not cure this deficiency. Therefore, claim 137 is not obvious under the proposed combination of *LaJoie et al.* in view of *Rowe et al.*, and the rejection should be withdrawn.

d. Dependent Claims 122-128, 130-136, and 138-144

Applicants respectfully submit that dependent claims 122-128, 130-136, and 138-144 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*,

837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 122-128, 130-136, and 138-144 be withdrawn.

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 121-144 be allowed to issue. Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

By: /Karen G. Hazzah/

Karen G. Hazzah, Reg. No. 48,472

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

600 Galleria Parkway, NW
Suite 1500
Atlanta, Georgia 30339-5948
Tel: (770) 933-9500
Fax: (770) 951-0933